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Supreme Court, U.S.
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No. 99-624

In The

Supreme Court of the United States

October Term, 1999

GERARD A. CORSINI,

Petitioner,

v.

U-HAUL INTERNATIONAL, INC., et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE APPELLATE DIVISION, OF THE SUPREME COURT,
FIRST JUDICIAL DEPARTMENT

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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Introduction

Petitioner has attempted to transmogrify before this Court what is a very mainstream case of dismissal predicated upon petitioner's egregious conduct during the discovery process into a case resonating from the core to the farthest penumbral reaches of our Constitution. This, it is submitted, he cannot do.

In addition to that set forth herein, Respondent Shelly Jackson joins in the brief of respondent U-Haul in opposition to petitioner's petition for a writ of certiorari in all aspects and regards.

Argument

THE PETITION SHOULD BE DENIED AS TO THE QUESTION OF A COURT'S INHERENT POWER TO DISMISS AS A SANCTION FOR CONDUCT WHICH ABUSES THE JUDICIAL PROCESS IS WELL SETTLED

Notwithstanding the petitioner's attempt to impart a Constitutional luster to his claims, it is well-settled that as an exercise of a court's inherent power, it may dismiss an action

for conduct which abuses the judicial process (Chambers v. Nasco, 501 US 32, 44-45 [1991]; Link v. Wabash Railroad Company, 370 US 626 [1962]), including abuses which occur in relation to a party's discovery obligations (National Hockey League v. Metropolitan Hockey Club, Inc., 427 US 639 [1976]; Roadway Express, Inc. v. Piper, 447 US 752, 763 [1980]; see also, Federal Rule of Civil Procedure 37 [b]).

Here, petitioner was found to have abused the discovery process "in the form of extreme incivility by an attorney with respect to an adversary, prior to and during a deposition" (24a[1]) He attempts, by alleging bias and misconduct on part of New York Appellate Justices *de hors* the record, to overlay a Constitutionally foul schemata upon their otherwise mainstream decisions. It is respectfully submitted that bald allegations should not suffice and, inasmuch as petitioner must be confined to the record upon which he seeks certiorari, no issue worthy of this Court's attention is presented.

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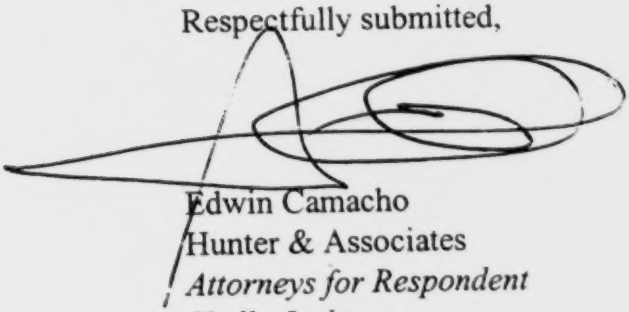
[1]Numbers followed by "a" refer to corresponding pages of the instant Petition For Writ of Certiorari.

Conclusion

The Petitioner presents no noteworthy issue which certiorari should be granted. Petitioner's application for a writ of certiorari should be denied.

Dated: New York, New York
November 12, 1999

Respectfully submitted,



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